

ORIGINAL

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FILED
DISTRICT COURT OF GUAM

JUN 19 2006

MARY L.M. MORAN
CLERK OF COURT

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES ROBERT LUJAN,

Defendant.

CRIMINAL CASE NO. 05-00076


**GOVERNMENT'S CORRECTION
TO POSITION CONCERNING
PRESENTENCE REPORT**

The government initially filed a response to the presentence report, moving that defendant receive the additional one-level downward departure, as provided by USSG § 3D1.1(b). The government then mistakenly stated that defendant's total offense level would be 33. In fact, defendant's total offense level should be 35, with a range of incarceration of 235-293 months. Defendant has not provided substantial assistance to the government. Accordingly, there will be no motion pursuant to 18 U.S.C. § 3553(e) or USSG 5K1.1.

Respectfully submitted this 16th day of June, 2006.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

By:


KARON V. JOHNSON
Assistant U.S. Attorney